IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.302 OF 2004

Shaikh Akbar Babu Ahmed
& Anr. .. Appellants

vs.

The Municipal Corporation
of Gr. Bombay. .. Respondent.

Advocate for the Appellant.

Mr. , Advocate for the Respondent.

CORAM : A.S.OKA, J.

DATED : 22nd March, 2005.

P.C. :

1. Rule. Respondent waives service. Prima facie it appears to me that while considering the prayer for grant of ad-interim relief, the learned Judge has not considered several documents on record. Even the landlord of the Appellant had filed reply to notice under section 351 of the Mumbai Municipal Corporation Act, 1888 and had produced several documents. There is no consideration of the said documents. Hence a case for grant of interim relief is made out. Both the

parties will maintain status quo as on today in all respect in respect of the suit structure.

2. Notice of Motion for Injunction shall be heard and decided by the learned trial Judge as expeditiously as possible and in any event on or before 31.08.2005. The interim order passed today will come to an end automatically on disposal of Notice of Motion. The Notice of Motion will be heard by the learned trial Judge on its own merits without being influenced by the earlier ad-interim order passed by him.

3. Civil Application is disposed of in above terms. No order as to costs.

. Parties to act on authenticated copy of this order.

(A.S.Oka, J.)